

**MINUTES OF THE
CUMBERLAND COUNTY PLANNING COMMISSION
CUMBERLAND COURTHOUSE
CUMBERLAND, VIRGINIA
Meeting and Public Hearing
July 18, 2005, 7:00 P.M.**

Present: Bill Burger, Chairman, District 3
Parker Wheeler, Vice-Chairman, At-Large
Patrick Smook, District 1
Zeke Sanderson, District 2
Roland Gilliam, District 5
David Brown, District 4
Keith Oulie, At-Large
Bill Osl, Board Representative

Also Present: Darvin Satterwhite, County Attorney
Catherine Kahl, Planner/Zoning Administrator
Bill Smith, Cumberland Bulletin

Chairman Burger called the meeting to order and a quorum was established. He stated that the purpose of the meeting was to conduct a public hearing on Cash Proffers language changes in the code.

The Commission unanimously voted to accept the minutes of June 13 and July 7 with one correction.

The Chairman then opened the public hearing on Cash Proffers. Only one person, Tyler Craddock, Director of Public & Government Affairs, Home Building Association of Richmond, had signed up to speak. Mr. Craddock read a statement commending the Commission for its proactive approach to development and code changes. He then passed a handout and stated for the record that his organization does not support the cash proffer approach to development because of negative consequences such as increased housing costs, and real estate assessments for new and existing homes (see attachment from Home Building Association of Richmond). He then thanked the Commission for their time.

After discussion by the Commission, a motion was made by Commissioner Wheeler, to accept the new Cash Proffer language as approved by the BOS, into code and send back to the Board of Supervisors. Seconded by Commissioner Oulie, the vote was as follows:

Vote:	Mr. Burger – aye	Mr. Wheeler – aye
	Mr. Sanderson – aye	Mr. Gilliam – aye
	Mr. Brown – aye	Dr. Oulie – aye
	Mr. Smook – aye	

A discussion then continued regarding the R2-5 revisions. Three questions were asked at the Public Hearing on June 27, and were addressed at the July 7 Workshop (see minutes of June 27 and July 7). Discussion then continued around these questions being answered and it was determined that there were no substantial changes to the ordinance, only clarifications in regard to language, as voted upon on June 27. Commissioner Oulie had questions regarding the meaning of frontage on route 60 and requested further clarification of the ordinance. Commissioner Gilliam stated that he had problems with the ordinance as currently constructed, but did not articulate specific problems. Commissioner Brown asked about the possibility of Highway 60 becoming 4 lanes in the foreseeable future. Chairman Burger stated that there is no money in the state budget to make this a reality for many years, but that the ordinance could be changed to allow for this expansion in regard to road frontage.

Mr. Osl brought up the question of “right-of-way” as opposed to road frontage. It was again stated the new code provided for 130’ of set-back from the center of the road, which would include the many different right-of-way (easement) issues. This would then be addressed as buffer zones in the R2-5. Mr. Osl stated that the PC should look at right-of-way issues in all district zones. Commissioner Burger stated that perhaps the PC should deal with ROW issues as part of the Land Use portion of the Comprehensive Plan. The county attorney explained the legality of right-of-way issues. Mr. Osl asked what is required on the plats in terms of right-of-way.

The problem of parcels less than 10 acres but more than 8 was addressed by the county attorney. Instead of language that states “on a case-by-case basis,” it was agreed to change the code to state that a Conditional Use Permit approach would be considered to address this issue.

A motion was made by Commissioner Oulie to modify the R2-5 with discussed revisions and to accept regulations 74-392 and 74-394 (see attached copy from the county attorney) as added to the current R2-5 language, and send the R2-5 to the Board of Supervisors for further consideration. Seconded by David Brown, the vote was as follows:

Vote:	Mr. Burger – aye	Mr. Wheeler – aye
	Mr. Sanderson – aye	Mr. Gilliam – aye
	Mr. Brown – aye	Dr. Oulie – aye
	Mr. Smook – aye	

The next item was in regard to VDOT code changes. Discussion centered around the fact that VDOT has sent us the exact wording they want to see in the code. After looking at the changes, it was decided that the issue would be tabled until the August 2 meeting to give commissioners a chance to read the changed code. It was brought to the attention of the Commissioners that the PC is receiving this as a referral from the Board of Supervisors, and it is informational. A Public Hearing is scheduled for September, after which it will be returned to the BOS.

The next item for discussion was the Fee Schedule language changes. This issue was passed by the Virginia General Assembly to have fees included as part of the ordinances for the county. There were no changes to the existing fees, but the sections were extended to include zoning, and all subdivisions, in each zoning district. After discussion, which included a later look at the current fees in regard to the same charges in other counties, a motion by Commissioner Oulie to accept not just Section 74:388 (prior vote on June 27, 2005), but section changes to ALL zones designated in the code, and pass this on to the BOS. Commissioner Wheeler seconded, and the vote was as follows:

Vote:	Mr. Burger – aye	Mr. Wheeler – aye
	Mr. Sanderson – aye	Mr. Gilliam – aye
	Mr. Brown – aye	Dr. Oulie – aye
	Mr. Smook – aye	

The last item was Commissioners’ Comments, and having no comments heard, Chairman Burger thanked everyone for their hard work on the Comprehensive Plan, which was now being considered by the Board of Supervisors.

Catherine Kahl, Planner/Zoning Administrator, also discussed a time frame for dealing with the land use issue, and provided a list of questions that might be asked prior to addressing land use. Mr. Osl suggested that a workshop with several experts should be scheduled. Mr. Osl is to get dates that his experts are available and get back to the Commission so the event can be scheduled. In the meantime, the Commission is to meet on August 2 to discuss land use, including the land fill, and a copy of the RFP is to be made available.

Commissioner Sanderson asked Mr. Osl what the time limit was on having a new member to take over his expired term. He requested that Supervisor White expedite the appointment so that he can be relieved of his post in August.

On a motion by Mr. Sanderson, seconded by Commissioner Wheeler, and carried, the meeting was adjourned until August 2, 2005.

Attested:

Chairman

Date

Clerk of the Commission

Date